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SERVICE DATE- LATE RELEASE – AUGUST 1, 2016

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 33 (Sub-No. 290X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN
PULASKI COUNTY, ARK.

Decided: July 29, 2016

Union Pacific Railroad Company (UP) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon a line of railroad known as the North Little Rock Junction Bridge Line, extending from milepost 343.65 to the end of the line at milepost 343.97, a distance of 0.32 miles, in North Little Rock, in Pulaski County, Ark. Notice of the exemption was served and published in the Federal Register on October 21, 2010 (75 Fed. Reg. 65,049).

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) on October 26, 2010, recommending no environmental conditions on any decision granting abandonment authority and concluded that the proposed action would not significantly impact the quality of the human environment. No comments were received during the comment period, and the exemption became effective on November 20, 2010, without conditions.

On November 18, 2010, OEA received a late-filed comment from the National Geodetic Survey (NGS) indicating that NGS had identified one geodetic station marker that may be affected by the proposed abandonment. Therefore, by decision served on November 19, 2010, the Board reopened this proceeding and imposed a condition requiring UP to consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers.

By letter filed on June 27, 2016, NGS indicated that, as a result of a subsequent search, no geodetic control stations were found in the immediate vicinity of the abandonment and that salvage of the line would have no effect on NGS control stations. NGS therefore opined that UP had satisfied the NGS condition imposed in the November 19, 2010 decision.

By letter filed on June 29, 2016, UP requests that the Board reopen the proceeding and acknowledge that the NGS condition has been satisfied. UP notes that, although such a condition is "normally self actuating," UP seeks this specific acknowledgement here because the City of North Little Rock has offered to purchase the line from UP and that in order to transfer the property, UP must confirm that it has satisfied the NGS condition and salvage the remaining track.

In a Post Environmental Assessment issued on July 6, 2016, OEA states that the Board considers NGS conditions as “self-executing” (meaning that the condition can be considered satisfied without reopening the proceeding to formally find the condition satisfied or to remove it). OEA notes that here, however, UP asserts that a declaration that the NGS condition has been satisfied would facilitate the transfer of the right-of-way to the City of North Little Rock. To accommodate UP’s request, OEA notes that UP has complied fully with the NGS condition and recommends that the Board so find.

UP is correct that satisfaction of an NGS condition does not require specific acknowledgement by the Board before abandonment of a line may be consummated. Under the specific circumstances here, however, in order to facilitate the right-of-way’s post-abandonment transfer to the City of North Little Rock, the Board acknowledges that the NGS condition has been satisfied.

It is ordered:

1. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.